IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

RSA.No.3668 of 2006

DATE OF ORDER: 23.1.2007

State of Haryana and Others

...Petitioner(s)

Versus

Ram Sarup

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Jitender Chauhan, Addl.A.G, Haryana.

Mr. R.K. Malik, Advocate.

M.M. AGGARWAL,J

This is Regular Second Appeal against judgment dated 31.3.2006 passed by District Judge, Kurukshetra whereby an appeal filed by the appellant Haryana State against judgment dated 19.8.2005 passed by Civil Judge(Sr.Divn.), Kurukshetra was dismissed.

Plaintiff, now respondent, who was working as an employee with the Haryana Roadways had filed suit against the State, which was decreed to the extent that the plaintiff was entitled to the pay scale of Rs.4000-6000/- on 1.1.1996 as per ACP 1 rules with interest @ 9 % per annum.

State filed appeal against that judgment, which was dismissed.

On behalf of the appellant-State, it is argued that there were adverse remarks in the ACR of the year 1992-1993, which were conveyed to the plaintiff-respondent but plea in the written statement could not be taken and evidence could not be led of the adverse remarks of the year 1992-1993 and then an application before the District Judge at the time of appeal was filed, which had wrongly been dismissed by the District Judge.

From the perusal of the judgment of the courts below, it would come out that the adverse remarks of the year 1998-1999 and 1999-2000 had been shown in the Court and since ACP had become due from 1.1.1996 those remarks were not taken into account and suit was decreed.

From the perusal of the grounds of this Regular Second Appeal, it does not come out that the ground that amendment prayed at the time of hearing by the District Judge was not allowed and now appellant be allowed the amendment and plead regarding adverse remarks of 1992-1993, is there.

There are concurrent findings. No law point is involved. There is no merit.

Appeal is dismissed.

January 23, 2007 (M.M. AGGARWAL)
manoj JUDGE